

Texas Natural Resource Conservation Commission
Special Investigations
STATEMENT

DRAFT

THE STATE OF TEXAS

County of Brazoria

Case Number: CR-FY97-058

I, Claudio Gomez Duarte, being first duly sworn, according to law, depose and say:

I have been advised by _____ of _____, that, under the provisions of the Constitution, I cannot be compelled to be a witness against myself; and, knowing that anything I say may be used against me, I wish to make the following statements of my own free will and accord, without coercion or threats and without promise of immunity.

This statement is a voluntary act on my part, prompted by my decision to tell the facts, and I do not expect to gain any reward or special consideration by reason of having made this statement.

I am [redacted] and reside at [redacted].
[redacted] I have worked at Hercules Marine Services (Hercules) as the Cleaning Superintendent for about three years. I supervise the crews that clean barges at Hercules. Since about May 1997, my boss at Hercules has been Jimmy Jackson. Before that and in 1996, my boss was Larry Ballinger. Larry was the boss over everyone there at Hercules. My duties included filling out a barge cleaning report. The information I wrote down on the barge cleaning report included the barge number, the chemical product cleaned out of the barge, and the date the barge was cleaned. When a barge came to the Hercules dock I would go to the dock and check on the barge. When the barge came in Larry Ballinger would also come out and check on it. Larry wanted to know what product was in the barge and how much of the product was left in the barge. I would open the hatches on the barge. From my experience at Hercules I could tell by the odor what product was on the barge and I could look in the barge cargo tanks and tell approximately how much material was left in the barge. I would tell Larry what product was on the barge and how much was left. I remember several times I told Larry the barge

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contained cyclohexane and Larry told me do not write down cyclohexane on the barge cleaning report. He told me to write down the chemical name butanol instead of cyclohexane. Larry told me and Juan Rivera more than once that if a cyclohexane barge comes in, do not write down cyclohexane on the barge report, but instead, write down butanol.

I have read the foregoing statement and I have been given an opportunity to make corrections. All of the facts contained herein are true to the best of my knowledge.

Sworn to before me this _____ day (Signed) _____
of _____, 19____.

Signed: _____
(Law Officer)

Witnessed: _____